

A BILL TO BE ENTITLED  
AN ACT

To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to change the composition of the Board of Directors; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by revising Section 6 as follows:

**"SECTION 6.**

Board of Directors.

(a) The Board of Directors of the Authority shall be composed of ~~18~~ 7 members. ~~Four~~ Two members shall be residents of the City of Atlanta to be nominated by the Mayor and elected by the City Council; ~~five~~ three members shall be residents of DeKalb County to be appointed by the local governing body thereof and at least one of such appointees shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur and at least one of such appointees shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur; ~~three members~~ one member shall be ~~residents~~ a resident of Fulton County to be appointed by the local governing body thereof; ~~and at least one of such appointees shall be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta and that membership position held by a Fulton County resident, appointed by the local governing body of that county, the term of which position expires December 31, 1988, shall, beginning on and after January 1, 1989, be filled by the local governing body of Fulton County appointing a person who is a resident of that portion of Fulton County lying north~~ but not of the corporate limits of the City of Atlanta; ~~one~~

~~member shall be a resident of Clayton County to be appointed by the local governing body thereof, and one member shall be a resident of Gwinnett County to be appointed by the local governing body thereof. Four members; and one member, representing the State, shall be as follows: the Commissioner of the Department of Transportation who shall be an ex officio member; the State Revenue Commissioner who shall be an ex officio member; the Executive Director of the State Properties Commission who shall be an ex officio member; and the Executive Director of the Georgia Regional Transportation Authority who shall be an ex officio member. The first member who must be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta shall be appointed by the governing body of Fulton County to take office on July 1, 1985, for an initial term ending December 31, 1986. The two members who are DeKalb County residents and appointed by the governing authority thereof and who are added by this paragraph shall each be appointed by the governing body of DeKalb County to take office on July 1, 1985, for an initial term ending December 31, 1986. After the initial terms of those three members added to the Board in 1985, that~~ The governing body which appointed the ~~that appoints a member for that initial term to that office shall appoint successors thereto for terms of office of four years in the same manner that such governing body makes its other appointments to the Board.~~

~~The initial terms of the four members added in 1976 by the above paragraph shall be as follows: the member from DeKalb County to be appointed by the local governing body of DeKalb County shall be appointed no later than sixty days after the effective date of this subsection for a term ending December 31, 1978, and shall take office immediately upon appointment; the Commissioner of the Department of Transportation, the State Revenue Commissioner and the Executive Director of the State Properties Commission shall become members of the Board on the effective date of this subsection and shall serve while holding their State offices.~~

~~The Executive Director of the Georgia Regional Transportation Authority shall become a member of the Board on the effective date of this sentence and shall serve while holding his or her State office.~~

~~Except as provided above, all~~ All appointments shall be for terms of four years except that a vacancy caused otherwise than by expiration shall be filled for the unexpired portion thereof by the local governing body ~~which~~ that made the original appointment to the vacant position; or its successor in office. A member of the Board may be appointed to succeed himself or herself for one four-year term. Appointments to fill expiring terms shall be made by the local governing body prior to the expiration of the term, but such appointments shall not be made more than thirty days prior to the expiration of the term.

Members appointed to the Board shall serve for the terms of office specified in this section and until their respective successors are appointed and qualified.

(b) ~~Having initially declined membership on the Board and further participation in the Authority, Cobb County may at any time reclaim its membership on the Board and participate further in the Authority as provided in this subsection (b).~~ The local governing ~~body~~ bodies of Clayton, Cobb, and Gwinnett County Counties may, any other provision of this Act to the contrary notwithstanding, negotiate, enter into, and submit to the qualified voters of ~~Cobb County~~ their respective counties the question of approval of a rapid transit contract between ~~Cobb County~~ the county submitting the question and the Authority, all in accordance with the provisions of Section 24 of this Act. The local governing ~~body~~ bodies of ~~Cobb County~~ these counties shall be authorized to execute such rapid transit ~~contract~~ contracts prior to the holding of the referendum provided for in said Section 24; provided, however, that any such rapid transit contract shall not become valid and binding unless the same is approved by a majority of those voting in said referendum, which approval shall also be deemed approval of further participation in the Authority. Upon approval of such rapid transit contract, ~~Cobb County~~ the county entering into such contract shall be a participant in the Authority, and its rights and responsibilities shall, insofar as possible, be the same as if it ~~had participated in the Authority from its beginning~~ those belonging to Fulton and DeKalb Counties, and the local governing body of ~~Cobb County~~ the county may then appoint two residents of ~~Cobb County~~ the county to the Board of Directors of the Authority, to serve a term ending on the 31st day of December in the fourth full year after the year in which the referendum approving said rapid transit contract was held, in which event the Board of Directors of the Authority shall, subsection (a) of this Section 6 to the contrary notwithstanding, be composed also of ~~16~~ such additional members.

(c) (Repealed, Ga. L. 1966, pp. 3264, 3265; See Note 2).

(d) Except for the ex officio members of the Board, no person shall be appointed as a member of the Board who holds any other public office or public employment except an office in the reserves of the armed forces of the United States or the National Guard; any member who accepts or enters upon any other public office or public employment shall be disqualified thereby to serve as a member.

(e) A local governing body may remove any member of the Board appointed by it for cause. No member shall be thus removed unless ~~he~~ the member has been given a copy of the ~~charges~~ allegations against him or her and an opportunity to be publicly heard in his or her own defense in person with or by counsel with at least ten days' written notice to the member. A member thus removed from office shall have the right to a judicial review of ~~his~~ the member's removal by an appeal to the superior court of the county of the local

governing body which appointed ~~him~~ the member, but only on the ground of error of law or abuse of discretion. In case of abandonment of ~~his~~ the member's office, conviction of a crime involving moral turpitude or a plea of nolo contendere thereto, removal from office, or disqualification under subsection (d) hereof, the office of a member shall be vacant upon the declaration of the Board. A member shall be deemed to have abandoned ~~his~~ the member's office upon failure to attend any regular or special meeting of the Board for a period of four months without excuse approved by a resolution of the Board, or upon removal of ~~his~~ the member's residence from the territory of the local governing body ~~which that~~ appointed ~~him~~ the member.

(f) Each appointed member of the Board, except the Chairman, shall be paid by the Authority a per diem allowance, in an amount equal to that provided by Code Section 45-7-21 of the Official Code of Georgia Annotated, as now in effect or as it may hereafter be amended, for each day on which that member attends an official meeting of the Board, of any committee of the Board, or of the Authority's Pension Committee, Board of Ethics, or Arts Council; provided, however, that said per diem allowance shall not be paid to any such member for more than 130 days in any one calendar year. If the Chairman of the Board is an appointed member of the Board, the Chairman shall be paid by the Authority a per diem allowance in the same amount for each day in which the Chairman engages in official business of the Authority, including but not limited to, attendance of any of the aforesaid meetings. A member of the Board shall also be reimbursed for actual expenses incurred by that member in the performance of that ~~members~~ member's duties as authorized by the Board. A Board member shall not be allowed employee benefits authorized under Section 8(b).

(g) The Board shall elect one of its members as chairman and another as vice-chairman for terms to expire on December 31 of each year to preside at meetings and perform such other duties as the Board may prescribe. The presiding officer of the Board may continue to vote as any other member, notwithstanding ~~his~~ the member's duties as presiding officer, if ~~he~~ the member so desires. The Board shall also elect from its membership a secretary and a treasurer who shall serve terms expiring on December 31 of each year. A member of the Board may hold only one office on the Board at any one time.

(h) The Board shall hold at least one meeting each month. The Secretary of the Board shall give written notice to each member of the Board at least two days prior to any called meeting that may be scheduled, and said Secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for ~~his~~ the giving of notice as above. A majority of the total membership of the Board, as it may exist at the time, shall constitute a quorum. On any question presented, the number of members present shall be recorded. By affirmative vote of a majority of the members present, the Board may exercise all the

powers and perform all the duties of the Board, except as otherwise hereinafter provided or as limited by its bylaws, and no vacancy on the original membership of the Board, or thereafter, shall impair the power of the Board to act. All meetings of the Board, its Executive Committee or any committee appointed by the Board shall be subject to all provisions, except for Section 2(a), of an Act providing that all meetings of certain public bodies shall be open to the public, approved March 28, 1972 (Ga. L. 1972, p. 575), as now or hereafter amended.

(i) Notwithstanding any other provisions of this Act, the following actions by the Board shall require the affirmative vote of one more than a majority of the total membership of the Board as it may exist at the time:

(1) The issuance and sale of revenue bonds as contemplated in Section 10 or equipment trust certificates as contemplated in Section 11.

(2) The purchase or lease of any privately owned system of transportation of passengers for hire in its entirety, or any substantial part thereof, as contemplated in Section 8(c) or 8(d). Prior to the purchase or lease of any such privately owned system a public hearing pertaining thereto shall have been held and notice of such public hearing shall have been advertised as provided in Section 9(c) hereof. ~~Provided;~~ provided, however, that no sum shall be paid for such privately owned system of transportation in excess of the fair market value thereof determined by a minimum of two appraisers qualified to appraise privately owned systems of transportation and approved by a majority of the local governments participating in the financing of such purchase.

(3) The award of any contract involving \$100,000.00 or more for construction, alterations, supplies, equipment, repairs, maintenance or services other than professional services, or for the purchase, sale or lease of any property. The Board by appropriate resolution may delegate to the general manager the general or specific authority to enter into contracts involving less than \$100,000.00 if such contracts are entered into in accordance with Section 14 of this Act.

(4) The grant of any concession as contemplated in Section 14(f).

(5) The award of any contract for the management of any Authority-owned property or facility as contemplated in Section 14(h).

(j) The Board shall appoint and employ, as needed, a general manager; and a general counsel, none of whom may be members of the Board or a relative of a member of the Board, and delegate to them such authority as it may deem appropriate. It may make such by-laws or rules and regulations as it may deem appropriate for its own government, not inconsistent with this Act, including the establishment of an Executive Committee to exercise such authority as its by-laws may prescribe.

(k) The treasurer of the Authority and such other members of the Board and such other officers and employees of the Authority as the Board may determine shall execute corporate surety bonds, conditioned upon the faithful performance of their respective duties. A blanket form of surety bond may be used for this purpose. Neither the obligation of the principal or the surety shall extend to any loss sustained by the insolvency, failure or closing of any depository which has been approved as a depository for public funds.

(l)(1) In addition to the requirements of subsection (h) of this section, each member of the Board shall hold a meeting once each 12 months with the local governing body ~~which~~ that appointed such member. The Secretary of the Board shall give written notice to each member of the Board, to each local governing body, and to the governing authority of each municipality in the county in which there is an existing or proposed rail line at least two days prior to any meeting that may be scheduled, and said Secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for his giving such notice. These meetings shall be for the purpose of reporting to the local governing bodies on the operations of the Authority and on the activities of the Board and making such information available to the general public. No activity ~~which~~ that requires action by the Board shall be initiated or undertaken at any meeting conducted under this subsection.

(2) The Board shall submit once each three months a written report on the operations of the Authority and on the activities of the Board to each local governing body ~~which~~ that appoints a member of the Board."

## **SECTION 2.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.